

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
September 10, 2013

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on September 10, 2013 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

MOMENT OF SILENCE IN REMEMBRANCE OF THOSE WHO LOST THEIR LIVES 12 YEARS AGO ON SEPTEMBER 11, 2001 IN THE TERRORIST ATTACK ON THE UNITED STATES:

Mayor Ekdahl asked that everyone remain standing at this time for a moment of silence in memory of all the victims of the September 11, 2001 terrorist attacks on the United States.

Moment of Silence

We especially want to remember our own Rumson residents and the family members of Rumson residents who were victims on that fateful day, the efforts of so many professionals and volunteers who assisted in the rescue and recovery and the men and women of our Armed Forces who serve to defend and protect this Country. We thank you all.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Day, Hemphill, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

Bonnie Heard of T & M Associates was present.

Thomas Neff of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2013 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM RFH ROWING REQUESTING THE USE OF VICTORY PARK TO HOLD THEIR 4TH ANNUAL BOAT RACE ON THE MORNING OF SATURDAY, SEPTEMBER 28TH FROM 6:00 A.M. UNTIL 12:00 NOON FOR THE RACE AND AWARDS CEREMONY AND TO SET UP A FEW TENTS IN THE PARK THE DAY BEFORE; THEY ALSO REQUESTED THE FOLLOWING: USE OF THE BOROUGH ROWING CENTER, DOCK AND PARKING AREA FOR THE ARMY, DREXEL, RUTGERS AND VILLANOVA PARTICIPANTS, THE ASSISTANCE OF THE DEPARTMENT OF PUBLIC WORKS EMPLOYEES, ON A PAY FOR BASIS, FOR THE CLEAN-UP AND TO HANG A BANNER ON THE VICTORY PARK TENNIS COURT FENCE:

The Municipal Clerk/Administrator advised of a letter from Dan Edwards on behalf of RFH Rowing to request permission to use Victory Park for their 4th Annual Boat Race between the rowing teams from Army, Drexel, Rutgers and Villanova on Saturday, September 28, 2013 from 6:00 a.m. until 12:00 noon for the race and awards ceremony. Mr. Edwards requested the following:

- Set up a few tents in the park the day before;
- Use the Borough rowing center, dock and parking area for use by the participants

- Assistance of some Department of Public Works employees for the clean-up after the event; and
- Hang a banner on the Victory Park tennis court fence.

Mr. Edwards advised in his letter that they would provide the required insurance for the event.

The Municipal Clerk/Administrator asked that the Council include in their approval that Mr. Edwards submit to the Borough in writing prior to the event exactly what equipment, facilities and assistance they will require and when they will need it. He added that this would make it much easier for the Superintendent of Public Works and other Borough employees to supply what is needed and where they need to be at the right time. It was noted that the Boat Race has been established as a non-profit organization and the Race expenses would not be run through Rumson Endowment.

On motion by Councilman Rubin, seconded by Councilman Day, this communication was ordered received and permission for the use of Victory Park and the facilities and the other requests were granted with the stipulation that the list of requirements be supplied in writing beforehand. All in favor.

LETTER FROM THE NEWCOMERS CLUB OF RUMSON, FAIR HAVEN, LITTLE SILVER AND SHREWSBURY REQUESTING THE USE OF BINGHAM HALL ON FRIDAY, NOVEMBER 15, 2013 FROM 7:00 P.M. UNTIL 11:00 P.M. FOR A FUNDRAISING SHOPPING EVENT WITH SELECTED VENDORS SELLING THEIR PRODUCTS TO THEIR MEMBERS TO RAISE MONEY FOR THE NEWCOMERS CLUB AND A SELECTED CHARITY; THEY WOULD LIKE PERMISSION TO SERVE ALCOHOL AT THE EVENT AND EXPECT APPROXIMATELY 50-60 PEOPLE TO ATTEND:

The Municipal Clerk/Administrator advised of a letter dated July 26, 2013 from Leslie-Ann Gronau, Ladies Activity Chair of The Newcomers Club of Rumson, Fair Haven, Little Silver and Shrewsbury, which was a follow-up letter to the one put before the Council at the July 23rd Council meeting. The Club is requesting the use of Bingham Hall on Friday, November 15, 2013 from 7:00 p.m. until 11:00 p.m. to hold a fundraising shopping event for their members. The “women only” event will include selected vendors selling their products to raise funds for the Newcomers Club and their selected charity. Ms. Gronau stated in her letter that they would like permission to serve alcoholic beverages at the event and that approximately 50-60 people would be in attendance; if approved, the Club would provide the necessary certificate of insurance.

The Municipal Clerk/Administrator noted that at the July 23rd Borough Council meeting the Council had tabled the request and asked that the Club provide more detailed information listing the vendors and naming the selected charity for the event for consideration at a future meeting. This is the Club’s follow-up letter providing the names of the vendors that would be participating, but it does not name the charity. The Municipal Clerk/Administrator stated that he has given this request a lot of thought, especially since they are requesting they be allowed to serve alcohol; he added that perhaps granting approval for such a request would set a precedent.

The Municipal Clerk/Administrator advised that the Newcomers Club uses Bingham Hall several times a year for their meetings and welcoming events and serve wine and cheese, but this is more of an operation that they are trying to orchestrate.

The Council discussed the request at length and, although wine has been served at events in Bingham Hall and other non-profit organizations have held fundraisers there, the Council felt that this request set a different tone and they did not want to set a precedent.

On motion by Councilman Rubin, seconded by Councilwoman DeVoe, this communication was ordered received and permission for the use of Bingham Hall for the New Comers Club event was denied. All in favor.

LETTER FROM ALBERT A. ZAGER, ESQ. REQUESTING BOROUGH COUNCIL APPROVAL OF THE REQUEST FOR A HANDICAP PARKING SPACE IN FRONT OF PROPERTY LOCATED AT 101 AVENUE OF TWO RIVERS AS APPROVED BY THE RUMSON PLANNING BOARD BY RESOLUTION ON SEPTEMBER 9, 2013:

The Municipal Clerk/Administrator advised of a letter dated August 19, 2013 from Albert A. Zager, Esq. of Zager Fuchs, PC requesting the Borough to authorize a handicapped parking space on

the street in front of 101 Avenue of Two Rivers. He advised that the request was approved by the Rumson Planning Board and would need approval by the Borough Council by ordinance.

On motion by Councilman Broderick, seconded by Councilman Hemphill, this communication was ordered received. All in favor.

It was noted that the ordinance would be introduced at the September 24th Borough Council meeting.

CONSENT AGENDA:

LETTER FROM THE ENGLISH GROUP, LLC ADVISING OF AN APPLICATION ON BEHALF OF DAVID AND CAROL SMITH TO THE STATE OF NJ DEP FOR A WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT AND COASTAL WETLANDS PERMIT FOR THE CONSTRUCTION OF A FIXED PIER, FLOATING DOCK AND BOAT LIFTS FOR PROPERTY LOCATED AT 7 HARBOR DRIVE:

The Municipal Clerk/Administrator advised of a letter dated August 19, 2013 from The English Group, LLC on behalf of David and Carol Smith. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation for a Waterfront Development Individual Permit and Coastal Wetlands Permit for the construction of a fixed pier, floating dock and boat lifts for property located at 7 Harbor Drive.

LETTER FROM MASER CONSULTING, P.A. ADVISING OF AN APPLICATION ON BEHALF OF RYAN AND HILARY MULDOON TO THE STATE OF NJ DEP FOR A CAFRA GENERAL PERMIT NO. 9 FOR THE RECONSTRUCTION OF AN EXISTING WATERFRONT HOME IN THE CAFRA ZONE WITH A LARGER FOOTPRINT ON PROPERTY LOCATED AT 36 WARREN STREET:

The Municipal Clerk/Administrator advised of a letter dated August 26, 2013 from Masur Consulting P.A. on behalf of Ryan and Hilary Muldoon. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation for a CAFRA General Permit No. 9 for the reconstruction of an existing waterfront home in the CAFRA Zone with a larger footprint for property located at 36 Warren Street.

LETTER FROM MIDATLANTIC ENGINEERING PARTNERS ADVISING OF AN APPLICATION ON BEHALF OF CHRISTOPHER JOSEPH SMITH AND LINDA JAMES TO THE STATE OF NJ DEP FOR A WATERFRONT DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A RESIDENTIAL PIER FOR PROPERTY LOCATED AT 27 BLACKPOINT HORSESHOE:

The Municipal Clerk/Administrator advised of a letter dated August 26, 2013 from MidAtlantic Engineering Partners on behalf of Mr. Christopher Joseph Smith and Mrs. Linda James. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation for a Waterfront Development Permit for the construction of a residential pier for property located at 27 Blackpoint Horseshoe.

LETTER FROM THE STATE OF NEW JERSEY DEP IN RESPONSE TO A LETTER FROM INSITE ENGINEERING, LLC ON BEHALF OF DAVID AND NANCY PEARSON VERIFYING THE FLOOD HAZARD AREA ELEVATION AND/OR LIMITS, FLOODWAY LIMITS AND RIPARIAN ZONE LIMITS ON THE SITE OF THEIR PROPERTY LOCATED AT 158 BLACKPOINT ROAD AND WOULD BE REGULATED BY THE FLOOD HAZARD AREA CONTROL ACT RULES:

The Municipal Clerk/Administrator advised of a letter received September 5, 2013 from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation reporting to David and Nancy Pearson's that their request for verification of the flood hazard area verification along the Navesink River at 158 Blackpoint Road. The letter reported that the Flood Hazard Area Elevation and/or Limits, Floodway Limits and Riparian Zone Limits on the site would be regulated by the Flood Hazard Area Control Act Rules.

On motion by Councilwoman DeVoe, seconded by Councilman Day, the four (4) above communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2013-0910-147 AUTHORIZING THE BOROUGH TO APPLY FOR A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT FOR THE CARTON AND NORTH STREETS PAVING PROJECT:

2013-0910-147

BOROUGH OF RUMSON

RESOLUTION

**APPROVAL TO SUBMIT A GRANT APPLICATION
AND EXECUTE A GRANT CONTRACT WITH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
CARTON AND NORTH STREET IMPROVEMENT PROJECT.**

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Rumson Borough-00163 to the New Jersey Department of Transportation on behalf of the Borough of Rumson; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Rumson and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The above Resolution was moved for adoption by Councilman Hemphill. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2013-0910-148 AUTHORIZING THE APPOINTMENT OF FRED MIGLIACCIO AS FIRE INSPECTOR/SMOKE ALARM FIRE INSPECTOR/FIRE SUBCODE OFFICIAL EFFECTIVE SEPTEMBER 1, 2013:

2013-0910-148

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Michael Marra resigned his positions of part-time Fire Inspector/Smoke Alarm Fire Inspector/Fire Subcode Official effective August 31, 2013; and

WHEREAS, the Construction Department is in need of someone to fill the part-time positions of Fire Inspector/Smoke Alarm Fire Inspector/Fire Subcode Official; and

WHEREAS, Fred Migliaccio has applied for the part-time positions of Fire Inspector/Smoke Alarm Fire Inspector/Fire Subcode Official and been found to be qualified to fill the position; and

WHEREAS, Fred Migliaccio has agreed to take the part-time positions of Fire Inspector/Smoke Alarm Fire Inspector/Fire Subcode Official;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rumson hereby appoints Fred Migliaccio to the part-time positions of Fire Inspector/Smoke Alarm Fire Inspector/Fire Subcode Official effective September 1, 2013; and

BE IT FURTHER RESOLVED that Fred Migliaccio receive an annual salary of \$10,000 for the part-time positions of Fire Inspector (\$3,500)/Smoke Alarm Fire Inspector (\$1,000)/Fire Subcode Official (\$5,500) effective September 1, 2013; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Payroll Clerk.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2013-0910-149 AUTHORIZING THE APPOINTMENT OF BRIGITTE CROWLEY AS A SUBSTITUTE SCHOOL CROSSING GUARD AND LEOLIN T. WEST FOR THE 2013-2014 SCHOOL YEAR:

2013-0910-149

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the following citizens be appointed as School Crossing Guards for the 2013-2014 School Year:

REGULAR

Leolin T. West, III

SUBSTITUTE

Brigitte Crowley

BE IT FURTHER RESOLVED that Regular and Substitute School Crossing Guards shall be paid at a rate of \$30.00 per diem for days worked; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2013-0910-150 AUTHORIZING THE BOROUGH TO ENTER INTO A SHARED SERVICES AGREEMENT FOR THREE (3) YEARS WITH RUMSON COUNTRY DAY SCHOOL FOR THE BOROUGH TO INSTALL OUR RADIO EQUIPMENT AND ANTENNA ON THEIR PROPERTY:

The Municipal Clerk/Administrator stated that the following resolution was to formalize the arrangement with Rumson Country Day School to house our Police radio equipment and antenna at the School that has existed for the past several years.

2013-0910-150

Councilman Day offered the following resolution and moved its adoption:

**BOROUGH OF RUMSON
AND RUMSON COUNTRY DAY SCHOOL
SHARED SERVICES AGREEMENT RESOLUTION**

WHEREAS, the Borough of Rumson has the need for Borough radio equipment and antenna to be placed in such a location as to service the western area of the Borough; and

WHEREAS, the Borough of Rumson has no suitable Borough owned location for this purpose; and

WHEREAS, the Rumson Country Day School property located on the corner of Bellevue Avenue and Ridge Road proves to be such a location; and

WHEREAS, the Rumson Country Day School administration has agreed to give permission for the Borough to install our radio equipment and antenna on the Rumson Country Day School property;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Mayor and Borough Administrator be authorized to sign a Shared Services Agreement between the Borough of Rumson and Rumson Country Day School for the Borough's radio equipment and antenna to be installed on the Rumson Country Day School property; and

BE IT FURTHER RESOLVED that the Agreement shall be for a period of three (3) years effective September 1, 2013 through August 31, 2016; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be sent to the Chief Financial Officer and Rumson Country Day School.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None

ANNOUNCEMENT BY THE MAYOR:

Mayor Ekdahl made the following Announcement:

On behalf of the Borough Council, I would like to wish all of our Jewish residents and friends best wishes on Yom Kippur.

Thank you.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	21.00	NJ Dept of Health/Sr Services
\$	21.00	Animal Control Account
\$	24,872.73	Shorelands Construction
\$	24,872.73	Capital Account
\$	12.99	NJ Natural Gas Co
\$	12.99	COAH Trust Fund

\$	629.40	Richard April
\$	231.75	Asbury Park Press
\$	934.50	ATS Environmental Services
\$	691.37	Bound Tree Medical
\$	629.40	William & Dzintra L Brush
\$	24.20	CA Power Equipment
\$	314.70	Mark Conley
\$	314.70	Margaret Connor
\$	341.00	Cross Over Networks
\$	1,720.00	Custom Tire Associates
\$	683.86	Emergency Medical Products Inc
\$	43.98	Fair Haven Hardware Inc
\$	40.99	F & C Automotive Supply Inc
\$	228.00	First Priority Emergency
\$	475.50	Harden W Fowler
\$	629.40	James F Gallagher
\$	314.70	Ella D Gaynor
\$	15,757.35	Giordano Halleran & Ciesla
\$	191.20	WW Grainger Inc
\$	90.71	Hess Corporation
\$	951.00	Robert & Jane Hoffman
\$	314.70	Barbara M Hoffman
\$	4,183.39	JCP&L
\$	176.49	Jesco Inc
\$	1,311.79	JNM Holdings Inc
\$	469.95	Johnny on the Spot Inc
\$	578.40	Gerald P Kelly
\$	314.70	Iris O Kirkpatrick
\$	1,003.08	Life Savers Inc
\$	629.40	Norman Long
\$	1,410.22	Marpal Disposal
\$	629.40	Royal E & Virginia Moss
\$	314.70	Elizabeth N Murphy
\$	629.40	M Patricia Murphy
\$	15.30	M & W Communications Inc
\$	203.72	Naylor's Auto Parts
\$	168.00	Neptune Door Company
\$	9,068.80	New Jersey American Water
\$	328.95	NJ Natural Gas Co
\$	79,962.53	State of NJ Pensions/Active
\$	42,773.81	State of NJ Pensions/Retiree
\$	3,967,819.03	Peapack-Gladstone Bank
\$	314.70	James J Peluso
\$	297.00	PEP Express Parts
\$	822.30	PL Custom Emergency Vehicles
\$	314.70	Joseph Ranieri
\$	27,000.00	Realty Appraisal Company
\$	475.50	Paul E Reinhold Jr
\$	1,845.41	Reussille Law Firm LLC
\$	175.00	Roy Press Printers
\$	2,770,711.88	Rumson Elementary School Dist
\$	2,139,804.60	RFH Regional High School
\$	475.50	Edward Rumolo
\$	719.10	J Gary Sammon
\$	629.40	James Scalzo
\$	42.25	Seaboard Welding Supply Inc
\$	314.70	Joan C Shea
\$	629.40	Joseph J Sorrentino
\$	295.40	Stavola Asphalt Co Inc
\$	629.40	James Tanner
\$	337.68	Trico Equipment Services LLC
\$	314.70	Joseph E Tuzik Sr
\$	30.03	Verizon
\$	75.88	George Wall Lincoln

\$	629.40	Lorraine J Watson
\$	314.70	Donald York
\$	314.70	Robert Zerr
\$	175.30	Brian J Hand
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\$	9,085,232.10	Current Fund
\$	7,930.14	Rumson Boat Race Inc
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\$	7,930.14	Endowment Inc Account
\$	3,500.00	All American Mobile Marine
\$	2,561.64	Athlete's Alley
\$	91.60	Fair Haven Hardware Inc
\$	550.00	Catherine M Hubbard
\$	762.50	Rutgers/Youth Sports Council
\$	26.00	Patricia Scinto
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\$	7,491.74	Recreation Account
\$	1,100.00	Max Spann Auctions Co
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\$	1,100.00	Trust Account
\$	9,085,232.10	Current Fund Appropriations
\$	21.00	Animal Control Fund Expenses
\$	24,872.73	Capital Fund Disbursements
\$	7,930.14	Endowment Disbursements
\$	7,491.74	Recreation Disbursements
\$	1,112.99	Trust Fund – Other Expenses
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\$	9,126,660.70	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, the meeting adjourned at 7:44 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator